



Anthony M. Juliano  
Direct Dial: 973-403-3154  
Direct Fax: 973-618-5554  
E-mail: [ajuliano@bracheichler.com](mailto:ajuliano@bracheichler.com)

December 2, 2024

***VIA ECF***

Magistrate Peggy Kuo, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: State Farm Mut. Auto. Ins. Co., et al. v. Metro Pain Specialists P.C., et al.  
Case No.: 1:21-cv-05523-MKB-PK**

Dear Magistrate Kuo:

As Your Honor may recall, this firm represents defendants Yan Moshe, Hackensack Specialty ASC LLC, Integrated Specialty ASC LLC, Reuven Alon, Columbus Imaging Center LLC, Medaid Radiology LLC, SCOB LLC, Citimed Surgery Center LLC, NJMHC LLC, Star Solutions Services, LLC, Beshert Corp., Nizar Kifaieh, M.D., and Premier Anesthesia Associates PA (collectively "Defendants") in the above referenced matter. I am writing with regard to Defendants' deadline to complete their ESI production, and to request a sixty (60) day extension of the ESI production deadlines.

This issue has been before Your Honor on several prior occasions. Defendants have been engaged in reviewing and producing ESI for months. As previously stated, the process has been arduous due to the nature of the documents being reviewed and produced.<sup>1</sup> On October 31, 2024, Your Honor entered an Order granting Defendants' request to extend the time to complete the ESI production (as set forth in Docket Entry 627 and subsequent Text Order). As such, Defendants were to complete the ESI production by December 2, 2024, and provide a privilege log to Plaintiffs' counsel by December 16, 2024. Since that time, this office has continued its review and ESI production, and additional productions have been made. Through today, Defendants have completed and served ten separate ESI productions, and have produced well in excess of 150,000

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<sup>1</sup> As an aside, Plaintiffs recently produced their first batch of ESI on November 26, 2024 after agreeing to search terms in or around March.

5 Penn Plaza, 23rd Floor  
New York, New York 10001  
212.896.3974

101 Eisenhower Parkway  
Roseland, New Jersey 07068  
973.228.5700

515 N. Flagler Drive  
Suite P-300  
West Palm Beach, Florida 33401  
561.899.0177

[www.bracheichler.com](http://www.bracheichler.com)

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documents. Defendants expect to produce another large batch of ESI this week, which totals over 90,000 documents. The review and production is nearly complete, but is continuing on a rolling basis.

While Defendants have significantly moved toward completion of their ESI production, there does remain additional documents to be reviewed and produced. These documents largely consist of documents from defendants NJMHC LLC (Hudson Regional Hospital) and Yan Moshe. Prior to the most recent extension, I discussed the status of the ESI production with counsel for State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company (“State Farm” or “Plaintiffs”). At that time Plaintiffs requested the following language be included with this letter motion:

Plaintiffs have advised that, while they take no position on this requested extension, if Defendants are unable to complete production of all responsive records from their respective email accounts by the new deadline, Plaintiffs intend to respectfully request the Court set a hearing to address why Defendants have been unable to produce records more than 14 months after first being ordered to do so. *See, e.g.*, 8/25/2023 Text Order (ordering compliance by September 8, 2023); 9/20/2023 Text Order (ordering Defendants to show cause); 11/22/2023 Text Order (ordering compliance by 1/31/2024); 2/22/2024 Text Order (ordering compliance by April 8, 2024); 4/5/2024 Text Order (ordering compliance by May 23, 2024); 5/29/2024 Text Order (ordering compliance by June 14, 2024); 7/25/2024 Text Order (ordering compliance by September 15); 9/16/2014 Text Order (ordering compliance by 10/31/2024).

I have again raised the status of Defendants’ ESI production with counsel for the Plaintiffs. Consistent with the intentions expressed in Defendants’ October 31 letter motion for additional time to comply (Dkt. 627), Plaintiffs respectfully request the Court set a hearing to address Defendants’ timely compliance with this Court’s orders requiring the production of all outstanding ESI. Plaintiffs note the Defendants offer few details of how the production process has been arduous, why the nature of the ESI has contributed to Defendants’ serial noncompliance, and what steps Defendants are taking to ensure compliance by the newly proposed deadline. Respectfully, Plaintiffs submit a hearing on these issues is appropriate and warranted.

Based on the foregoing, Defendants respectfully request Your Honor approve the following deadline extension requests:

- Defendants’ ESI production to be completed on or before February 3, 2025;
- Defendants to provide a privilege log related to ESI production on or before Monday, February 17, 2025.

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Thank you for Your Honor's consideration.

Respectfully submitted,

*/s/ Anthony M. Juliano*

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